

**REMARKS**

Claims 1-25 are pending in the application.

Claims 1-5, 7-17 and 19-25 have been rejected.

Claims 6 and 18 have been objected to.

Claims 1, 7-10, 13, 19, 20, 22 and 24 have been amended.

Claim 25 has been canceled.

Claims 26-27 have been added.

Appreciation is expressed for the indicated allowability of Claims 6 and 18 if amended. In light of the arguments expressed below with regard to the rejection of the independent claims from which Claims 6 and 18 depend, Applicants decline to amend Claims 6 and 18 as suggested in the Office Action at this time. However, Applicants reserve the right to amend the claims as suggested at a future date, if necessary.

**Rejection of Claims under 35 U.S.C. § 102**

Claims 1, 2, 5, 8-10, 12-14, 17, and 19-22 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,854,895, issued to Coffey *et al.* (“Coffey”). Applicants respectfully traverse this rejection.

The Office Action relies on Coffey in rejecting each of Claims 1, 2, 5, 8-10, 12-14, 17, and 19-22. While not conceding that Coffey is prior art, but instead to expedite prosecution, Applicants have chosen to traverse-in-part and, in part, overcome the Examiner’s rejection by amendments that more clearly distinguish the claims over Coffey. Applicants’ amendments are made without prejudice to Applicants’ right to

establish, for example, in a continuing application, that Coffey is not prior to an invention now or hereafter claimed.

**Independent Claims 1, 13, and 24:** Applicants respectfully submit that Coffey does not disclose each limitation of independent Claims 1, 13, and 24, as amended, and therefore Coffey cannot anticipate those claims or any claims that depend therefrom. In the below discussion, Applicants further respond to the positions expressed in the Office Action.

Claims 1, 13, and 24 have each been amended to clarify that the claimed optical connector interface and electrical connector interface are parts of a network element port circuit that has three input/output ports, two coupled with the optical and electrical connector interfaces, as well as a third I/O port also coupled to the optical and electrical connector interfaces and which allows the network element port circuit to be coupled to the internal systems of a network element comprising the network element port circuit. *See, e.g.*, Claim 1. Applicants respectfully submit that Coffey provides no disclosure of a network element port circuit with three input/output ports as now claimed.

The Office Action cites to elements of Figures 16A and 16B of Coffey as purported disclosure of the presently claimed invention. Figures 16A and 16B of Coffey disclose purported media conversion circuitry “for providing conversion between copper and optical fiber for a variety of signaling and/or network applications.” Coffey 1:7-9. Coffey’s media conversion circuitry is disclosed to be in a compact housing for inclusion within existing optical wall outlet boxes. *See* Coffey 1:38-47. Coffey’s disclosure shows only the two (optical and copper) interfaces, and not a third as claimed and disclosed in the present application.

The Office Action posits that Coffey discloses an optical connector interface and electrical connector interface associated with a network element port circuit. *See* Office Action, p. 3. But the Office Action provides no citation to Coffey in support of such a position. As an initial matter, Applicants respectfully submit that with regard to at least this limitation, the particular part of Coffey that the Examiner has relied upon have not been designated as nearly as practicable, as required by 37 C.F.R. § 1.104(c)(2). Nevertheless, Applicants will attempt to respond to this and other rejections recited in the Office Action. As stated above, Coffey provides no disclosure of a network element port circuit as presented in the amended claims. Providing no such network element port circuit, Coffey cannot provide disclosure of an optical interface and electrical connector interface associated with a network element port circuit, as claimed.

For at least the above reasons, Applicants respectfully submit that Claims 1, 13, and 24, as amended, and all claims dependent therefrom are in condition for allowance and request Examiner's indication of same.

**Dependent Claims 5 and 17:** Dependent Claims 5 and 17 contain a limitation directed toward an electrical isolation circuit coupled to an RJ-45 interface. While the Office Action suggests that Coffey provides disclosure of such an electrical isolation circuit, no reference to either the figures or the text of Coffey is provided with regard to this limitation. Applicants respectfully submit that the Examiner has not designated the sections of Coffey relied upon as nearly as practicable, as required. Nevertheless, Applicants will make an attempt to respond to the rejections recited in the Office Action. Upon a review of Coffey, Applicants have been unable to find any disclosure of the electrical isolation circuitry required by these dependent claims. For at least these reasons, Applicants respectfully submit that dependent Claims 5 and 17, and all claims

dependent therefrom, are in condition for allowance and request Examiner's indication of same.

**Dependent Claims 7 and 19:** Dependent Claims 7 and 19 contain a limitation directed toward "said optical connector interface and said electrical connector interface are associated with an auto-media detection network element port." As stated in the present application, auto-media detection physical layer protocol circuits enable a network element to detect the presence and/or availability of multiple interfaces (e.g., network connectors) to one or more physical connection mediums. *See* Application at [0002]. Applicants respectfully submit that Coffey provides no disclosure of such an auto-media detection network element port, as claimed. Applicants further respectfully submit that the Office Action provides no specific citation to a portion of Coffey that provides such disclosure, as required. For at least these reasons, Applicants respectfully submit that dependent Claims 7 and 19, and all claims dependent therefrom, are in condition for allowance and request Examiner's indication of same.

**Dependent Claims 8, 9, 20, and 21:** These dependent claims each include a limitation to a visual indicator indicating which of the optical connector interface and electrical connector interface is active on the claimed network element port. The Office Action suggests that an LED presented in Figure 17 of Coffey provides such disclosure. Applicants respectfully submit that LED 410 does not provide the claimed visual indication of active interface. As stated in Coffey, LED 410 "is powered by the +5 VDC obtained from the PC mouse port and serves as a 'power on' indicator." Coffey 5:41-43. Therefore, LED 410 does not perform as a visual indicator of interface activity as set forth in the claims. Further, LED 410 is not part of the media converter illustrated in Coffey Figure 16A and 16B that is referenced for all the remaining claims. The LED is

part of a “Etherpower Adapter” 400 purportedly used to power the disclosed media converter. *See Coffey* 4:64-5:26. For at least these reasons, Applicants respectfully submit that Claims 8, 9, 20, and 21, and all claims dependent therefrom, are in condition for allowance and request Examiner’s indication of same.

**Amended Dependent Claims:** Claims dependent upon amended independent Claims 1, 13 and 24 have been amended to provide consistency with the independent claims upon which they depend or to correct informalities in the claims as originally presented.

**Added Dependent Claims 26 and 27:** Dependent Claims 26 and 27 have been added to provide additional distinction between the present invention and the disclosure of the cited prior art. Applicants respectfully submit that these added claims find support in the disclosure of the application as originally filed and are in condition for allowance.

**Rejection of Claims under 35 U.S.C. § 103**

Claims 3, 4, 11, 15, 16, 23 and 24 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over Coffey, in view of Chiu, *et al.*, U.S. Patent No. 6,692,159 (“Chiu”). Applicants respectfully traverse these rejections.

The Applicants respectfully submit that the particular part of the Coffey and Chiu references that the Examiner has relied upon has not been designated as nearly as practicable, and the pertinence of the references has not been clearly explained, both as required by 37 C.F.R. § 1.104(c)(2). Applicants respectfully submit that this is particularly true with regard to the purported motivation to combine the references in

Office Action sections 4(a) and 4(b). Nevertheless, Applicants have made every attempt to respond to the rejections cited in the Office Action.

In order for a claim to be rendered invalid under 35 U.S.C. § 103, the subject matter of the claim as a whole would have to be obvious to a person of ordinary skill in the art at the time the invention was made. *See* 35 U.S.C. § 103(a). This requires: (1) the reference(s) must teach or suggest all of the claim limitations; (2) there must be some teaching, suggesting or motivation to combine references either in the references themselves or in the knowledge of the art; and (3) there must be a reasonable expectation of success. *See* MPEP 2143; MPEP 2143.03; *In re Rouffet*, 149 F.3d 1350, 1355-56 (Fed. Cir. 1998).

As stated above, Applicants submit that the Coffey reference does not contain all of the limitations of independent Claims 1, 13 and 24, nor does it contain all of the limitations of dependent Claims 2 and 14 (upon which all of the dependent claims rejected under 35 U.S.C. § 103 depend). Further, the Office Action provides no discussion or evidence that Chiu provides any of these missing limitations. For at least these reasons, Applicants respectfully submit that the indicated claims are allowable as claimed and request Examiner's indication of same.

**Dependent Claims 3, 4, 15, and 16:** Dependent Claims 3, 4, 15 and 16 are rejected over the combination of Coffey with Chiu. The Office Action cites Chiu as disclosing an optical connector interface comprising either a small form factor pluggable (SFP) optical module or a gigabit interface converter (GBIC) optical module. But Applicants respectfully submit that the Examiner has not satisfied the burden of factually supporting the alleged motivation to combine the two references. The Examiner's duty may not be satisfied by engaging in impermissible hindsight; any conclusion of

obviousness must be reached on the basis of facts gleaned from the references. The Examiner must therefore provide evidence to suggest the combination and “[b]road conclusory statements regarding the teaching of multiple references, standing alone, are not ‘evidence.’” See *In re Dembiczak*, 50 U.S.P.Q.2d 1614, 1617 (Fed. Cir. 1999). Further, the Office Action does not establish that such a combination of the teachings of these references would meet with success, as required.

The Office Action presents nothing more than broad, generalized statements related to the motivation of a person of ordinary skill, which Applicants respectfully submit is insufficient to support a finding of obviousness.

The Office Action further does not establish that one would have a reasonable expectation of success in the combination of Coffey with Chiu. It is not clear from the references whether the size of the Coffey apparatus is compatible with the size of SFP or GBIC optical modules as disclosed in Chiu. Additionally, even should the combination result in incorporation of an SFP or GBIC optical module in the receptor disclosed in Coffey, it would still not anticipate the claims for the reasons discussed both in this section and in the previous section.

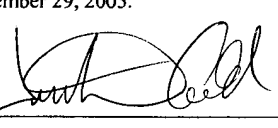
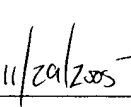
For these reasons and those previously expressed, Applicants respectfully submit that the Office Action fails to present a *prima facie* case of obviousness of Claims 3, 4, 15, and 16, and all claims dependent upon them, and that they are therefore in condition for allowance. Applicants respectfully request the Examiner’s withdrawal of the rejection as to those claims.

**Dependent Claims 11 and 23:** Dependent Claims 11 and 23 claim electromagnetic shielding of at least a portion of the claimed optical connector interface and electrical connector interface. The Office Action takes official notice of the

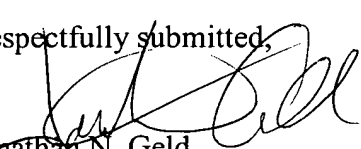
existence of electromagnetic shielding at the time of the invention of Coffey. However, the Office Action makes no effort to support why a person of ordinary skill would be motivated to combine electromagnetic shielding with an invention such as Coffey's. Further, in light of the arguments raised above with regard to the independent claims, such a combination, even were it successful, would not disclose the present invention. For these reasons, Applicants respectfully submit that the Office Action fails to present a *prima facie* case of obviousness for Claims 11 and 23, and that those claims are therefore in condition for allowance. Applicants respectfully request Examiner's withdrawal of the rejection as to these claims.

### CONCLUSION

In view of the amendments and remarks set forth herein, the application and the claims therein are believed to be in condition for allowance without any further examination and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5090.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Amendment, COMMISSIONER FOR PATENTS, P. O. Box 1450, Alexandria, VA 22313-1450, on November 29, 2005.	
 _____ Attorney for Applicant(s)	 _____ Date of Signature

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